

# Calendar No. 936

110TH CONGRESS  
2D SESSION

# S. 2840

[Report No. 110-440]

To establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

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## IN THE SENATE OF THE UNITED STATES

APRIL 10, 2008

Mr. SCHUMER (for himself, Mr. HAGEL, Mr. MENENDEZ, Mr. KENNEDY, Mr. SPECTER, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 1, 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Personnel  
3 Citizenship Processing Act”.

4 **SEC. 2. OFFICE OF THE FBI LIAISON.**

5 (a) **ESTABLISHMENT.**—Section 451 of the Homeland  
6 Security Act of 2002 (6 U.S.C. 271) is amended—

7 (1) by striking “the Bureau of” each place it  
8 appears and inserting “United States”; and

9 (2) by adding at the end the following:

10 “(g) **OFFICE OF THE FBI LIAISON.**—

11 “(1) **IN GENERAL.**—There shall be an Office of  
12 the FBI Liaison in United States Citizenship and  
13 Immigration Services.

14 “(2) **FUNCTIONS.**—The Office of the FBI Liai-  
15 son shall monitor the progress of the functions of  
16 the Federal Bureau of Investigation in the natu-  
17 ralization process to assist in the expeditious comple-  
18 tion of all such functions pertaining to naturaliza-  
19 tion applications filed by current or former members  
20 of the Armed Forces under section 328 or 329 of  
21 the Immigration and Nationality Act (8 U.S.C. 1439  
22 and 1440).

23 “(3) **AUTHORIZATION OF APPROPRIATIONS.**—

24 There are authorized to be appropriated such sums  
25 as may be necessary to carry out this subsection.”.

1       (b) ~~RULEMAKING.~~—Not later than 180 days after the  
 2 date of the enactment of this Act, the Attorney General,  
 3 in consultation with the Director of United States Citizen-  
 4 ship and Immigration Services shall promulgate rules to  
 5 carry out the amendment made by subsection (a)(2).

6 **SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING**  
 7 **NATURALIZATION APPLICATIONS FILED BY**  
 8 **MEMBERS OF THE ARMED FORCES.**

9       (a) ~~IN GENERAL.~~—Section 328 of the Immigration  
 10 and Nationality Act (8 U.S.C. 1439) is amended by add-  
 11 ing at the end the following:

12       “(g) Not later than 6 months after receiving each ap-  
 13 plication filed under subsection (a) or section 329(a),  
 14 United States Citizenship and Immigration Services  
 15 shall—

16               “(1) process and adjudicate the application; or

17               “(2) provide the applicant with—

18                       “(A) an explanation for its inability to  
 19 meet the processing and adjudication deadline  
 20 under this subsection; and

21                       “(B) an estimate of the date by which the  
 22 application will be processed and adjudicated.

23       “(h) The Director of United States Citizenship and  
 24 Immigration Services shall notify the Attorney General of  
 25 every application filed under subsection (a) or section

1 329(a) that is not processed and adjudicated within 1 year  
 2 after it was filed.”.

3 (b) GAO REPORT.—Not later than 180 days after  
 4 the date of the enactment of this Act, the Comptroller  
 5 General shall submit a report to Congress that contains  
 6 the results of a study regarding the average length of time  
 7 taken by United States Citizenship and Immigration Serv-  
 8 ices to process and adjudicate applications for naturaliza-  
 9 tion filed by members of the Armed Services.

10 (c) ANNUAL REPORT.—The Director of United  
 11 States Citizenship and Immigration Services shall annu-  
 12 ally submit a report to Congress that sets forth, for each  
 13 year, the average time between the date on which an appli-  
 14 cation is filed under section 328(a) or section 329(a) and  
 15 the date on which the application is adjudicated.

16 **SEC. 4. SUNSET PROVISION.**

17 This Act and the amendments made by this Act are  
 18 repealed on the date that is 5 years after the date of the  
 19 enactment of this Act.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Military Personnel Citi-*  
 22 *zenship Processing Act”.*

1 **SEC. 2. OFFICE OF THE FBI LIAISON.**

2       (a) *ESTABLISHMENT.*—Section 451 of the Homeland  
3 *Security Act of 2002 (6 U.S.C. 271)* is amended by adding  
4 *at the end the following:*

5       “(g) *OFFICE OF THE FBI LIAISON.*—

6               “(1) *IN GENERAL.*—There shall be an Office of  
7 *the FBI Liaison in the Department of Homeland Se-*  
8 *curity.*

9               “(2) *FUNCTIONS.*—The Office of the FBI Liaison  
10 *shall monitor the progress of the functions of the Fed-*  
11 *eral Bureau of Investigation in the naturalization*  
12 *process to assist in the expeditious completion of all*  
13 *such functions pertaining to naturalization applica-*  
14 *tions filed by, or on behalf of—*

15               “(A) *current or former members of the*  
16 *Armed Forces under section 328 or 329 of the*  
17 *Immigration and Nationality Act (8 U.S.C.*  
18 *1439 and 1440);*

19               “(B) *current spouses of United States citi-*  
20 *zens who are currently serving on active duty in*  
21 *the Armed Forces, who qualify for naturalization*  
22 *under section 319(b) of the Immigration and Na-*  
23 *tionality Act (8 U.S.C. 1430(b)), and surviving*  
24 *spouses and children who qualify for naturaliza-*  
25 *tion under section 319(d) of such Act; or*

1           “(C) a deceased individual who is eligible  
 2           for posthumous citizenship under section 329A of  
 3           the Immigration and Nationality Act (8 U.S.C.  
 4           1440–1).

5           “(3) AUTHORIZATION OF APPROPRIATIONS.—  
 6           There are authorized to be appropriated such sums as  
 7           may be necessary to carry out this subsection.”.

8           (b) RULEMAKING.—Not later than 180 days after the  
 9           date of the enactment of this Act, the Secretary of Homeland  
 10          Security, in consultation with the Attorney General, shall  
 11          promulgate rules to carry out the amendment made by sub-  
 12          section (a).

13   **SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING**  
 14                   **NATURALIZATION APPLICATIONS FILED BY**  
 15                   **CURRENT OR FORMER MEMBERS OF THE**  
 16                   **ARMED FORCES AND THEIR SPOUSES AND**  
 17                   **CHILDREN.**

18          (a) IN GENERAL.—Section 328 of the Immigration  
 19          and Nationality Act (8 U.S.C. 1439) is amended by adding  
 20          at the end the following:

21          “(g) Not later than 6 months after receiving an appli-  
 22          cation for naturalization filed by a current member of the  
 23          Armed Forces under subsection (a), section 329(a), or sec-  
 24          tion 329A, by the spouse of such member under section  
 25          319(b), or by a surviving spouse or child under section

1 319(d), *United States Citizenship and Immigration Serv-*  
 2 *ices shall—*

3 “(1) *process and adjudicate the application, in-*  
 4 *cluding completing all required background checks to*  
 5 *the satisfaction of the Secretary of Homeland Secu-*  
 6 *rity ; or*

7 “(2) *provide the applicant with—*

8 “(A) *an explanation for its inability to*  
 9 *meet the processing and adjudication deadline*  
 10 *under this subsection; and*

11 “(B) *an estimate of the date by which the*  
 12 *application will be processed and adjudicated.*

13 “(h) *The Director of United States Citizenship and*  
 14 *Immigration Services shall submit an annual report to the*  
 15 *Subcommittee on Immigration, Border Security, and Refu-*  
 16 *gees and the Subcommittee on Homeland Security of the*  
 17 *Senate and the Subcommittee on Immigration, Citizenship,*  
 18 *Refugees, Border Security, and International Law and the*  
 19 *Subcommittee on Homeland Security of the House of Rep-*  
 20 *resentatives that identifies every application filed under*  
 21 *subsection (a), subsection (b) or (d) of section 319, section*  
 22 *329(a), or section 329A that is not processed and adju-*  
 23 *dicated within 1 year after it was filed due to delays in*  
 24 *conducting required background checks.’’.*

1       **(b) GAO REPORT.**—*Not later than 180 days after the*  
2 *date of the enactment of this Act, the Comptroller General*  
3 *shall submit a report to Congress that contains the results*  
4 *of a study regarding the average length of time taken by*  
5 *United States Citizenship and Immigration Services to*  
6 *process and adjudicate applications for naturalization filed*  
7 *by members of the Armed Forces, deceased members of the*  
8 *Armed Forces, and their spouses and children.*

9       **SEC. 4. SUNSET PROVISION.**

10       *This Act and the amendments made by this Act are*  
11 *repealed on the date that is 5 years after the date of the*  
12 *enactment of this Act.*





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